

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America

v.

Andres Caicedo,

Defendant.

S3 21 Cr. 21 (GBD)

Andres Caicedo,

Petitioner

v.

United States of America,

Respondent.

25 Civ. 1271 (GBD)

Order Regarding Attorney-Client Privilege Waiver (Informed Consent)

WHEREAS Andres Caicedo (the “defendant”) has moved for relief from his conviction pursuant to 28 U.S.C. § 2255 on, *inter alia*, the ground of ineffective assistance of counsel; and

WHEREAS the Government, after reviewing the motion papers, has concluded that the testimony of the defendant’s former counsel, Leonardo M. Aldridge, Esq., (“Prior Counsel”), will be needed in order to allow the Government to respond fully to the motion and the Court to resolve the motion; and

WHEREAS the Court, after reviewing the motion papers, is satisfied that the testimony of Prior Counsel is needed in order to allow the Government to respond fully to the motion and the Court to resolve the motion; and

WHEREAS by making the motion, the defendant has waived the attorney-client privilege as a matter of law; and

WHEREAS the Court is cognizant that, absent court order or informed consent, ethical concerns may inhibit Prior Counsel from disclosing confidential information relating to a prior client even in the absence of a privilege, *see, e.g.*, ABA Standing Comm. on Ethics and Prof. Responsibility Formal Op. 10-456 (July 14, 2010), *Disclosure of Information to Prosecutor When Lawyer's Former Client Brings Ineffective Assistance of Counsel Claim*,

IT IS HEREBY ORDERED that the Clerk of Court shall serve upon the defendant, by United States mail, a copy of this Order and the accompanying "Attorney-Client Privilege Waiver (Informed Consent)" form. The defendant shall execute and return to this Court within 30 days from the date of this Order the accompanying Attorney-Client Privilege Waiver (Informed Consent) form. If the document is not received by the Court within 30 days from the date of this Order, the Court will deny the ineffective assistance of counsel claims in the defendant's § 2255 motion, on the ground that the movant failed to authorize the disclosure of information needed to permit the Government to respond to the motion and the Court to resolve the motion; and it is further

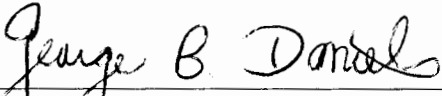
ORDERED that, within 30 days of the Court's receipt of the executed "Attorney-Client Privilege Waiver (Informed Consent)" form from the defendant, Prior Counsel shall give sworn testimony, in the form of an affidavit, addressing the allegations of ineffective assistance of counsel made by the defendant; and it is further

ORDERED that the Government shall respond to the defendant's § 2255 motion within 30 days after the receipt of the affidavit from Prior Counsel.

Dated: New York, New York

May __, 2025

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HON. GEORGE B. DANIELS
UNITED STATES DISTRICT JUDGE